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NOTICE OF ALLOWANCE AND FEE(S) DUE

826

7590

12/14/2009

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

MILLER, BRANDON J

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 12/14/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,085	07/21/2000	Andreas Kruger	042933/300242	4806

TITLE OF INVENTION: OPERABLE DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	03/15/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(571)-273-2885**

or **Fax**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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**ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$0	\$0	\$1510	03/15/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
MILLER, BRANDON J	2617	455-417000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/621,085

Examiner

BRANDON J. MILLER

Applicant(s)

KRUGER ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/14/2009.
2. ☒ The allowed claim(s) is/are 9-48.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Brandon J Miller/
Examiner, Art Unit 2617

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

DETAILED ACTION

Allowable Subject Matter

- I. The following is an examiner's statement of reasons for allowance:

Claim 9 recites a system with a structure as defined in the specification (pages 3-10) including at least two operable devices with operating states that are producible or changeable, for usage in a vehicle, with an operating panel configured to allow a user to cause at least one of producing existing operating states or changing existing operating states of a respective one of the operable devices; at least one sensor in the vehicle; and a decision unit, coupled to the operating panel of the respective operable device, which receives data from said at least one sensor for determining vehicle-specific conditions, at least including the vehicle speed, over a time period of vehicle operation by evaluating the received sensor data and which converts the vehicle-specific conditions into a driving profile indicating an actual driving situation of the vehicle and blocks or releases the existing operating states of the respective operable device according to whether the actual driving situation is detected to be dangerous or non-dangerous, said detection being made on a basis of the driving profile; wherein different speed limitations apply to different ones of said at least two operable devices or different operating states of one of said at least two operable devices in said detection if the actual driving situation is dangerous or non-dangerous.

The prior art teaches a system including an operable device with an operating state that is producible or changeable, for usage in a vehicle, with an operating panel configured to allow a user to cause at least one of producing existing operating states or changing existing operating states of an operable device; at least one sensor in the vehicle; and a decision unit, coupled to the

operating panel of the operable device, which receives data from said at least one sensor for determining vehicle-specific conditions, at least including vehicle speed, over a time period of vehicle operation by evaluating the received sensor data and which converts the vehicle-specific conditions into a driving profile indicating an actual driving situation of the vehicle and blocks or releases the existing operating state of the operable device according to whether the actual driving situation is detected to be dangerous or non-dangerous, said detection being made on a basis of the driving profile

However, applicant's independent claim 9 comprises a particular structure, as recited above, including at least two operable devices with operating states that are producible or changeable, for usage in a vehicle; wherein different speed limitations apply to different ones of said at least two operable devices or different operating states of one of said at least two operable devices in said detection if the actual driving situation is dangerous or non-dangerous.

This is neither taught nor suggested by the prior art.

Claims 11, 13, 15, 17, 19, 21, 23, 29, 31, 33, and 35 are allowable based on their dependence on independent claim 9.

Claim 10 recites a system with a structure as defined in the specification (pages 3-10) including at least two operable devices with operating states that are producible or changeable, said devices configured for use in a vehicle, with an operating panel configured to allow a user to cause at least one of producing existing operating states or changing existing operating states of a respective one of the operable devices; at least one sensor in the vehicle; and a decision unit, coupled to the operating panel of the respective operable device, which receives driving speed

data from said at least one sensor for detection of vehicle-specific conditions by measuring fluctuation of the driving speed of the vehicle over a time period and blocks or releases the existing operating states of the respective operable device based on the measured fluctuation; wherein different speed limitations apply to different ones of said at least two operable devices or different operating states of one of said at least two operable devices in said detection if the actual driving situation is dangerous or non-dangerous.

The prior art teaches a system including an operable device with an operating state that is producible or changeable, for usage in a vehicle, with an operating panel configured to allow a user to cause at least one of producing existing operating states or changing existing operating states of an operable device; at least one sensor in the vehicle; and a decision unit, coupled to the operating panel of the operable device, which receives driving speed data from said at least one sensor for detection of vehicle-specific conditions by measuring fluctuation of the driving speed of the vehicle over a time period and blocks or releases an existing operating state of the operable device based on the measured fluctuation.

However, applicant's independent claim 10 comprises a particular structure, as recited above, including at least two operable devices with operating states that are producible or changeable, said devices configured for use in a vehicle; wherein different speed limitations apply to different ones of said at least two operable devices or different operating states of one of said at least two operable devices in said detection if the actual driving situation is dangerous or non-dangerous

This is neither taught nor suggested by the prior art.

Claims 12, 14, 16, 18, 20, 22, 24, 30, 32, 34, and 36 are allowable based on their dependence on independent claim 10.

Claim 25 recites a method for controlling at least two operable devices, which are used in a vehicle, with a steps as defined in the specification (pages 3-10) including facilitating control of an operating panel by a user to cause at least one of producing existing operating states or changing existing operating states of a respective one of the operable devices; receiving data from at least one sensor in a decision unit which is coupled to the operating panel, said data at least including information about the vehicle speed; determining vehicle-specific conditions over a time period of vehicle operation by evaluating the received sensor data; converting the vehicle-specific conditions into a driving profile indicating an actual driving situation of the vehicle; and blocking or releasing the existing operating states of the respective operable device according to whether the actual driving situation is detected to be dangerous or non-dangerous, said detection being made on a basis of the driving profile; wherein different speed limitations apply to different ones of said at least two operable devices or different operating states of one of said at least two operable devices in said detection if the actual driving situation is dangerous or non-dangerous.

The prior art teaches a method for controlling an operable device, which is used in a vehicle, facilitating control of an operating panel by a user to cause at least one of producing existing operating states or changing existing operating states of an operable device; receiving data from at least one sensor in a decision unit which is coupled to the operating panel, including information about the vehicle speed; determining vehicle-specific conditions over a time period of vehicle operation by evaluating the received sensor data; converting the vehicle-specific

conditions into a driving profile indicating an actual driving situation of the vehicle; and blocking or releasing the existing operating states of the operable device according to whether the actual driving situation is detected to be dangerous or non-dangerous, said detection being made on a basis of the driving profile

However, applicant's independent claim 25 comprises a particular combination of steps, as recited above, that allows for controlling at least two operable devices, which are used in a vehicle; wherein different speed limitations apply to different ones of said at least two operable devices or different operating states of one of said at least two operable devices in said detection if the actual driving situation is dangerous or non-dangerous.

This is neither taught nor suggested by the prior art.

Claims 37-40 are allowable based on their dependence on independent claim 25.

Claim 26 recites a decision unit coupled to operating panels of at least two operable devices with operating states that are producible or changeable, which are used in a vehicle, the decision unit comprising an input configured to receive signals from at least one sensor present in the vehicle with a structure as defined in the specification (pages 3-10) including the decision unit configured to determine vehicle-specific conditions, at least including the vehicle speed, over a time period of vehicle operation by evaluating the received sensor signal and for converting the vehicle-specific conditions into a driving profile indicating an actual driving situation of the vehicle, wherein the decision unit is configured to block or release an existing operating state of a respective one of the operable devices according to whether the actual driving situation is detected to be dangerous or non-dangerous, said detection being made on a

basis of the driving profile; and an output configured to output an output signal, which is used for changing the operating states of the respective operable device connected to the decision unit; wherein different speed limitations apply to different ones of said at least two operable devices or different operating states of one of said at least two operable devices in said detection if the actual driving situation is dangerous or non-dangerous.

The prior art teaches a decision unit coupled to an operating panel an operable device with operating states that are producible or changeable, which are used in a vehicle, the decision unit comprising an input configured to receive signals from at least one sensor present in the vehicle including the decision unit configured to determine vehicle-specific conditions, at least including the vehicle speed, over a time period of vehicle operation by evaluating the received sensor signal and for converting the vehicle-specific conditions into a driving profile indicating an actual driving situation of the vehicle, wherein the decision unit is configured to block or release an existing operating state of the operable devices according to whether the actual driving situation is detected to be dangerous or non-dangerous, said detection being made on a basis of the driving profile; and an output configured to output an output signal, which is used for changing the operating state of the operable device connected to the decision unit.

However, applicant's independent claim 26 comprises a particular structure, as recited above, including a decision unit coupled to operating panels of at least two operable devices with operating states that are producible or changeable, which are used in a vehicle; wherein different speed limitations apply to different ones of said at least two operable devices or different operating states of one of said at least two operable devices in said detection if the actual driving situation is dangerous or non-dangerous.

This is neither taught nor suggested by the prior art.

Claims 41, 43, 45, and 47 are allowable based on their dependence on independent claim 26.

Claim 27 recites an apparatus configured to be coupled to operating panels of at least two operable devices, including at least a car radio and car phone, with operating states that are producible or changeable and with a structure as defined in the specification (pages 3-10) including a decision unit configured for usage in a vehicle, the decision unit is configured to receive driving speed data from at least one sensor present in the vehicle; the decision unit configured to determine vehicle-specific conditions by measuring fluctuation of the driving speed of the vehicle over a time period; wherein the decision unit is configured to block or release the existing operating states of a respective one of the operable devices based on the measured fluctuation; wherein different speed limitations apply to different ones of said at least two operable devices or different operating states of one of said at least two operable devices in said detection if the actual driving situation is dangerous or non-dangerous.

The prior art teaches an apparatus configured to be coupled to an operating panel of an operable device, including at least a car phone, with operating states that are producible or changeable and including a decision unit configured for usage in a vehicle, the decision unit is configured to receive driving speed data from at least one sensor present in the vehicle; the decision unit configured to determine vehicle-specific conditions by measuring fluctuation of the driving speed of the vehicle over a time period; wherein the decision unit is configured to block or release the existing operating states of the operable device based on the measured fluctuation.

However, applicant's independent claim 27 comprises a particular structure, as recited above, that is configured to be coupled to operating panels of at least two operable devices, including at least a car radio and car phone, with operating states that are producible or changeable; wherein different speed limitations apply to different ones of said at least two operable devices or different operating states of one of said at least two operable devices in said detection if the actual driving situation is dangerous or non-dangerous.

This is neither taught nor suggested by the prior art.

Claims 28, 42, 44, 46, and 48 are allowable based on their dependence on independent claim 27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON J. MILLER whose telephone number is (571)272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Brandon J Miller/
Examiner, Art Unit 2617

December 1, 2009